

1 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
2
3 UNITED STATES OF AMERICA,)
4 PLAINTIFF,)
5 VS.) NO. 1:23-CV-00853-DAE
6 GREG ABBOTT, IN HIS)
7 CAPACITY AS GOVERNOR OF)
THE STATE OF TEXAS, AND)
8 THE STATE OF TEXAS,)
DEFENDANTS.)

9

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1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are now on the
3 record. This begins video number one in the deposition
4 of Mario Gomez in the matter of United States v Greg
5 Abbott, et al., in the U.S. District Court for the
6 Western Division of Texas Austin Division.

7 Today is Tuesday, July 16th, 2024, and the
8 time is 1:01 p.m. This deposition is being taken remote
9 via Zoom at the request of the office of assistant -- of
10 the Attorney General, Assistant Attorney General,
11 Special Litigation Division. The videographer is
12 Zachary Loyd of Magna Legal Service. The court reporter
13 is Natalie Martin of Magna Legal Service.

14 Will counsel and all parties present state
15 their appearance and whom they represent.

16 MR. BRYANT: My name is David Bryant. I'm
17 with the office of the Attorney General of Texas,
18 representing the defendants in this action. And I see
19 that my colleague, Johnathan Stone, who also represents
20 the defendants is on Zoom with us.

21 MS. KRUGER: My name is Mary Kruger. I'm

22 an assistant United States Attorney in the Western
23 District of Texas. I represent the United States of
24 America, the plaintiff.

25 And I'm joined by our witness. You can go

3

1 ahead and introduce yourself.

2 THE WITNESS: Oh, Mario Gomez, with the
3 International Boundary of water --

4 THE REPORTER: Sorry, you sound a little
5 bit quiet. Would you mind repeating that?

6 THE VIDEOGRAPHER: Yes.

7 MS. KRUGER: Let me pull it closer.

8 THE WITNESS: Yes. Mario Gomez with the
9 International Boundary and Water Commission.

10 THE VIDEOGRAPHER: The court reporter may
11 now swear in the witness.

12 THE REPORTER: Okay. My name's Natalie
13 Martin. I'm the court reporter for today. My CSR
14 number is 11867. Reporting this deposition remotely in
15 Houston, Texas, via stenographic means.

16 Mr. Gomez, if you could raise your right
17 hand with me. Do you swear or affirm the testimony
18 you're going to give today will be the truth, the whole
19 truth, and nothing but the truth?

20 THE WITNESS: I do.

21 THE REPORTER: Okay. Just speak up a
22 little louder for me.

23 MS. KRUGER: Yeah, I think --

24 THE WITNESS: I do.

25 MS. KRUGER: Feel free to talk loud. I

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1 know you're very soft spoken.

2 MARIO GOMEZ,

3 having been first duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. BRYANT:

6 Q. Mr. Gomez, could you state your full name for
7 the record?

8 A. Mario Gomez.

9 Q. First of all, I want to thank you for making
10 the effort to be present here today. Your attorney
11 advised me that you've had some illness recently. And
12 I -- I hope you're feeling better, and I assume you are,
13 or you wouldn't be here. Because if you didn't feel
14 like you could do this, we could do it another time.

15 Are you -- do you feel like you're well
16 enough to testify truthfully and accurately?

17 A. Yes, sir.

18 Q. Okay. Thank you. You mentioned that you're
19 employed by the International Boundary and Water
20 Commission. Is that the U.S. section of the IBWC?

21 A. That is correct.

22 Q. How long have you been employed by the U.S.
23 section of the IBWC?

24 A. I started in 2004 as a power plant engineer. I
25 moved on to area manager in 2013 or '14.

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1 Q. Okay.

2 A. I'm currently regional manager.

3 Q. Okay. And what is your base or headquarters in
4 your current role with US IBWC?

5 A. Well, our headquarters is in El Paso, 4191
6 North Mesa, El Paso, Texas. But I work as regional
7 manager for the middle section. So my -- my base office
8 right now would be in Laredo, Texas.

9 Q. And could you describe generally the -- the
10 region for which you have responsibility within U.S.
11 IBWC?

12 A. The region would be called the middle Rio
13 Grande, which would cover from the Presidio Texas field
14 office, Amistad field office, Laredo field office, down
15 to -- field office --

16 (Reporter interruption for clarification.)

17 THE WITNESS: Falcon field office.

18 Q. (BY MR. BRYANT) Thank you. And for what types
19 of operations or other activities do you have
20 responsibility in your role as regional manager of --
21 within the US IBWC?

22 A. My duties would include operation and
23 maintenance of dams in the power plants. That's what
24 the main focus of my duties would entail.

25 Q. Okay. And has that been generally true

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1 throughout your time with US IBWC?

2 That you've been involved with the
3 maintenance and operations of dams?

4 A. Yes.

5 Q. Okay. Now, I think in -- that you gave a short
6 deposition roughly a year ago in this case; is that
7 correct?

8 A. Yes.

9 Q. And I think that at that time you -- you either
10 agreed or didn't disagree when someone called you a,
11 quote, dam operation specialist, unquote, is --

12 MS. KRUGER: Objection; form.

13 Q. (BY MR. BRYANT) -- is that a fair description?

14 A. I'm a -- can you repeat that? Dam operation --

15 Q. Dam operation specialist.

16 A. I know my title is supervisor, general
17 engineer. And I go by other titles, area manager. So I
18 don't know about that --

19 Q. Okay. Are you a licensed engineer?

20 A. No.

21 Q. Are you -- is part of your job responsibility
22 involve the subject releasing water from dams operated
23 by the US IBWC?

24 A. Back at that point -- back in the days, yes, as
25 area manager. I'm currently more of the regional. So,

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1 an area manager means that there's a manager on-site
2 that I'm called in Amistad Dams.

3 So they would be more responsible for the
4 releases of the dam. In my current position, as
5 regional, I would just help in other -- and support them
6 in other areas.

7 Q. And it sounds to me -- and please correct me if
8 I'm wrong -- like you -- you once were directly involved
9 for water releases from US IBWC dams, but now you're
10 probably two levels above, in terms of responsibility
11 and management?

12 A. Just one level. But, yes --

13 Q. Okay. Just one level.

14 A. At one point, yes, I was there -- I was there
15 at the dam. And I was responsible for releases.

16 Q. Okay. And so even though you don't directly
17 control the releases now, you have oversight of US IBWC
18 operations involving water releases from its dams?

19 A. Yes. Yes.

20 Q. Okay. I want to talk to you now mainly about
21 the last year, kind of from the summer of 2023 to the
22 summer of 2024.

23 As of the summer of 2023, when you gave
24 your deposition, I think you were on temporary duty at
25 Amistad Dam; is that right?

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1 A. Yes.

2 Q. But at that time, your -- your primary focus
3 was Falcon Dam?

4 A. Yes.

5 Q. Okay. Now, at that time, in June or July of
6 2023, did you have any part of your job responsibilities
7 at or near Eagle Pass, Texas?

8 A. Yes.

9 Q. Okay. What were your job responsibilities at

10 Eagle Pass, Texas, in the summer of 2023?

11 A. As acting area manager at the time for the
12 Amistad Dam field office.

13 Q. Okay.

14 A. Part of my responsibilities were floodplain
15 inspection. So, floodplain inspection's just entitled
16 observe and report any site conditions of the Rio Grande
17 river flood area.

18 Q. So the floodplain inspection doesn't have a
19 direct connection to dam operation, does it?

20 A. Floodplain inspect -- can you repeat the
21 question?

22 Q. Is it fair to say that inspections of
23 floodplains and activities in floodplains is not
24 directly connected to the maintenance and operation of
25 dams?

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1 A. To the operation, maybe not the maintenance.
2 Operation wise, because -- well, when you release water
3 from the dam, we want to make sure water can convey
4 through the river channel.

5 Q. Okay. As of the summer of 2023, were you
6 also -- had a job function relating to the floodplain
7 below Falcon Dam?

8 A. No. I was acting at Amistad. So my area
9 responsibility was Amistad, and just downstream of
10 Amistad.

11 Q. Okay. And Eagle Pass is about how far
12 downstream from Amistad Dam?

13 A. I'm not -- it's an hour drive. So --

14 Q. Okay.

15 A. -- not too -- you know, but...

16 Q. Aside from this matter of floodplain
17 inspections, did you have any other responsibilities in
18 Eagle Pass or the -- the Eagle Pass area in Maverick
19 County, Texas, as of summer of 2023?

20 A. No. I mean, as area manager, my -- the
21 floodplain inspection. But it's maintaining contact
22 with emergency management coordinators, the Eagle Pass,
23 either the city, county level, just in case there's
24 flood releases.

25 So it's just making contact with any

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1 emergency first responders. As area manager, those
2 would be my primary responsibilities.

3 Q. And by the way, I didn't mention this,
4 Mr. Gomez, but if at any time in this deposition, you
5 want to take a break, other than in the middle of a

6 question, I'm fine with it. You just say that and
7 we'll -- we will accommodate you.

8 A. Okay.

9 Q. As of the summer of 2023, did you have any
10 responsibility with respect to any kind of survey work
11 in the Rio Grande river?

12 A. Responsibilities as to -- the survey, I just
13 facilitated I guess, at that time. There -- I know
14 there was survey work done. And my role in that was to
15 facilitate that work that had happened.

16 Q. Okay. Your role was not to actually perform
17 any of the work?

18 A. Correct.

19 Q. And is that true throughout the time you've
20 been with US IBWC?

21 A. Yes.

22 Q. In no 2023 and 2024, have you had any job
23 responsibilities or duties with respect to evaluating or
24 approving proposed structures that might be put in the
25 Rio Grande river?

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1 A. Reviewing as --

2 Q. Reviewing and approving?

3 A. Reviewing as part of the area manager, we get

4 proposals any type of proposals, the agency forwards
5 down to the air manager level and we get to review any
6 developments and make our comments.

7 Q. Okay. And to whom do you provide those
8 comments?

9 A. To our realty office.

10 Q. And is it the realty office that does the
11 ultimate evaluation in either approval or denial of
12 permits or licenses to place structures in the Rio
13 Grande river for the US IBWC?

14 A. They handle the process. So I -- you know, I
15 know they handle the process.

16 Q. Okay. It's not your final decision on those
17 matters --

18 A. No.

19 Q. -- as area manager?

20 A. No.

21 Q. And you're not a direct participant in the
22 final decision, you just provide your comments?

23 A. Correct. I just provide comments.

24 Q. Okay. And in 2023 and 2024, have you had any
25 duties related to navigation on the Rio Grande river,

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1 either by IBWC or anybody else?

2 A. No. Not that I recall.

3 Q. Yeah. Is that true throughout the entire
4 period of your employment with US IBWC?

5 A. For navigation?

6 Q. Yes.

7 A. Throughout my career as IBWC?

8 Q. Yes, sir.

9 A. We've navigated the river for -- I've seen our
10 stream measurements, when we carry out stream
11 measurements in the Laredo area in the 2010 flood, I was
12 there for that stream measurement. And we did river
13 cross sections, also in the Laredo area, was carried out
14 by our survey team. And they -- they had to navigate
15 that area of the river. So those are two instances that
16 I can recall.

17 Q. Okay. Are those the only two instances you can
18 recall?

19 A. Yes.

20 Q. We're going to talk in your deposition about
21 the -- the buoys that Texas placed in the Rio Grande
22 river in July 2023. I'll probably refer to them as
23 either the buoys or floating buoy barrier because that's
24 a term that the United States has used at times in this
25 litigation.

1 Will you understand what I am referring to
2 if I use those terms?

3 A. Yes.

4 Q. Okay. Did you have any duties for the US IBWC
5 in determining any impacts of the floating buoy barrier
6 on the IBWC?

7 MS. KRUGER: Objection; form.

8 You can answer.

9 THE WITNESS: Can you repeat?

10 Q. (BY MR. BRYANT) Sure. Did you have any
11 duties, in terms of assessing the impact, if any, of the
12 floating buoy barrier on IBWC operations?

13 A. No. I can't say that --

14 Q. Were you -- were you asked to, in any way,
15 assess what you thought might be or would be the effects
16 of the floating buoy barrier on anyone beside the IBWC?

17 A. No. I can't say.

18 Q. Now, have you ever navigated on any vessel in
19 the Rio Grande between Amistad Dam and Falcon Reservoir?

20 A. I did a kayak trip in --

21 Q. Anything else?

22 A. No.

23 Q. Is it fair to say that you -- you never
24 navigated on the section of the Rio Grande between

25 Amistad Dam and Falcon Reservoir as part of your job

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1 with US IBWC?

2 A. You could say that. Yes.

3 Q. And your cake trip, I'm guessing -- but I want
4 you to tell me if I'm right -- was recreational in
5 nature?

6 A. Yes.

7 Q. And approximately when did you do that?

8 A. 2013, maybe.

9 Q. About 2013?

10 A. Yes.

11 Q. Do you have -- I think I know the answer to
12 this, but please tell me if I'm wrong.

13 So, you have no experience in the
14 navigation of the Rio Grande by the US IBWC?

15 MS. KRUGER: Objection; form.

16 THE WITNESS: Navigation that I'm aware of
17 by IBWC would be --

18 Q. (BY MR. BRYANT) Yes.

19 A. -- I'll refer to again, it would be when we did
20 our river cross sections in the Laredo area. But -- and
21 we traveled -- or the -- I'll say the survey team
22 traveled up and down the river for that area. And also

23 do a cross section to do a flow measurement back in 2010
24 is toward -- I saw our boat cross -- do a cross section
25 of the river for a stream measure.

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1 Q. Okay. Do you have any experience at all with
2 navigation of the Rio Grande by IBWC in the Maverick
3 County, Texas or Eagle Pass areas?

4 A. No, sir.

5 Q. Have you ever been involved in any negotiations
6 of minutes between the U.S. and Mexican sections of the
7 IBWC?

8 A. No, sir.

9 Q. Now, about a year ago, roughly, did you sign a
10 declaration that was filed in this case?

11 A. Yes.

12 MR. BRYANT: And do you happen to have --
13 or does your attorney have a copy of that declaration
14 with you?

15 MS. KRUGER: Yeah, I have the file copy.
16 Document 5-2, on the record, if you want me to give that
17 to him?

18 MR. BRYANT: Yes, please. I'm going to ask
19 him some questions about that, if that's okay.

20 MS. KRUGER: That includes those pictures

21 on the back of that?

22 MR. BRYANT: Yes. Some photographs.

23 MS. KRUGER: Yeah.

24 Q. (BY MR. BRYANT) Do you have that in front of
25 you, Mr. Gomez?

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1 A. Yes, sir.

2 MR. BRYANT: And Counsel, I would make the
3 request that -- doesn't have to be right now, but at
4 some point, that we mark that document, or a copy
5 thereof, as Exhibit 1 to Mr. Gomez's deposition today.
6 Is that okay?

7 MS. KRUGER: Yes, that's fine. Do you want
8 me just to write it down on this hard copy?

9 MR. BRYANT: That would be great. If it's
10 a extra copy that you can --

11 MS. KRUGER: Yeah, not --

12 MR. BRYANT: -- use for that purpose.

13 MS. KRUGER: -- Exhibit 1 and I just wrote
14 that on it. I don't have a sticker.

15 MR. BRYANT: Thank you.

16 (Exhibit No. 1 was marked.)

17 Q. (BY MR. BRYANT) And Mr. Gomez, can you
18 identify Exhibit 1 as the declaration that you signed

19 and that was filed in this case as document 5.2?

20 A. Yes.

21 Q. Okay. This document, among other things,
22 describes a meeting that you attended on June 12th,
23 2023. Do you recall that meeting today?

24 A. Yes.

25 Q. How did that meeting come about?

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1 A. If I recall correctly, there -- I believe that
2 there was some media outlets or some reports of buoys in
3 the water. And I think it was a -- headquarters was,
4 like, one means -- asking if that's fine with me, and if
5 I knew anything, and I could not. I did not know of
6 anything.

7 So, I think I may have deferred to my --
8 our security personnel, see if they knew anybody with
9 DPS, see if they could schedule a meeting, that they
10 could talk to us, and let us know a little bit more
11 about the buoys. And they did. And that's how this
12 meeting came together.

13 Q. Okay. So is it fair to say that the meeting
14 that occurred on June 12th, 2023 was a result of your
15 efforts to get in touch with DPS and learn about the --
16 the buoys?

17 A. Yes.

18 Q. And do you recall who at US IBWC headquarters
19 had asked you to obtain information about the -- the
20 buoys?

21 A. No -- not -- not at this moment.

22 Q. Okay. Do you recall that there was a press
23 conference that was held by a Texas Governor Abbott a
24 couple of days before that meeting in which the --
25 Texas's plan to put the buoys in the river was publicly

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1 announced?

2 A. No. I do not recall.

3 Q. Okay. And is it correct that four
4 representatives of US IBWC attended that meeting with
5 D- -- Texas DPS representatives?

6 A. Yes.

7 Q. Okay. And who were the US IBWC representatives
8 who attended that meeting?

9 A. Myself; our assistant area manager at the time,
10 Mr. Demetrius Gaines; our safety of dams engineer at the
11 time, Mr. Evelio Siller; and our security -- our
12 captain, Luise Martinez.

13 Q. Okay. And at that time, did Mr. Evelio Siller
14 report to you?

15 A. Yes.

16 Q. Now, where did that meeting take place?

17 A. That place -- that meeting took place at the
18 Eagle Pass DPS office.

19 Q. Now, there are some notes attached to your
20 declaration that described that meeting. Do you see
21 those?

22 A. Yes.

23 Q. Were those notes taken by Mr. Siller at your
24 direction or request?

25 A. Well, I don't know if it was my request, but

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19

1 it's just -- I guess, like, protocol, or just a habit,
2 that we may have a meeting, we take our notes. So, you
3 could make -- make of it.

4 Q. Okay. And so you don't recall, you know,
5 ordering him or requesting him to make the notes. But
6 he made notes, and that was not unusual?

7 A. Correct.

8 Q. Okay. Did he take the notes in handwriting?

9 A. I cannot say.

10 Q. Okay. These are nicely -- appear to be nicely
11 typed up notes. Do you recall anybody -- Mr. Siller
12 having at the meeting equipment that would allow him to

13 do that?

14 A. I cannot recall.

15 Q. Do you know whether or not he, or anybody else,
16 edited the original notes that he took at the meeting?

17 A. I do not know.

18 Q. Okay.

19 Q. Now, in the notes, it indicates that -- and I'm
20 looking at the first bullet point, Mr. Gomez -- it
21 states, quote, Buoy project is part of Governor Greg
22 Abbott's Operation Lone Star Initiative.

23 What -- what was your understanding of what
24 the Operation Lone Star Initiative was?

25 A. The Lone Star Initiative was just -- at that

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1 point, it was just the buoys, installation that this was
2 going on already. I was not too --

3 Q. Oh- --

4 A. -- that --

5 Q. -- Okay. Were you aware at the time of, or
6 prior to the meeting, that Texas had deployed National
7 Guard troops to the border area?

8 A. Okay. Yes. Okay.

9 Q. Okay. And so did you understand that having
10 National Guard troops down at the border area was part

11 of the Operation Lone Star Initiative?

12 A. Yes.

13 Q. And either at the time of the meeting, or soon
14 thereafter, did you see that Texas had placed concertina
15 wire in some areas along the -- the border, on the U.S.
16 side of the border?

17 A. Yes.

18 Q. That was concertina wire that you saw in the
19 Eagle Pass area?

20 A. Yes.

21 Q. And it was located, in part, near where the
22 buoys were placed?

23 A. Yes.

24 Q. Did you understand the concertina wire was also
25 part of the Operation Lone Star Initiative?

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21

1 A. Okay.

2 Q. I don't want you to take my word. I'm asking
3 you about your --

4 MS. KRUGER: I don't want you to interrupt
5 you, David, but you need to answer yes or no --

6 THE WITNESS: Okay.

7 MS. KRUGER: -- if you don't say yes --

8 THE WITNESS: Okay.

9 MS. KRUGER: -- but if you didn't know,
10 say, just --

11 THE WITNESS: Okay. I understand. Yes.

12 Q. (BY MR. BRYANT) Okay. So did you understand,
13 as of the time of the meeting or before that, that
14 Govenor Abbott planned to place the buoys in the river
15 as part of Texas' effort to protect its borders?

16 A. Okay. Yes.

17 Q. And did you understand that the buoys were part
18 of Texas' efforts to protect its borders against illegal
19 immigration and human trafficking and drug smuggling and
20 other criminal activities going across the -- the Rio
21 Grande river?

22 A. Yes. To protect its borders against...

23 Q. And do you still have that understanding as to
24 that's why Texas has the buoys in the water near Eagle
25 Pass today?

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22

1 A. Yes.

2 Q. And a matter of fact, in that first bullet
3 point in the notes that are part of your declaration
4 that's Exhibit 1, the second sentence says, quote, The
5 City of Eagle Pass are 100 percent on board with the
6 DPS/Texas National Guard operation for border security.

7 So, did you understand, as of June 12th,
8 that the DPS in Texas National Guard operations in the
9 Eagle Pass area were there for border security?

10 A. Yes.

11 Q. Now, my understanding is that during that
12 meeting, the Texas DPS representatives told your -- your
13 group about several potential test sites for the -- the
14 buoys within the Rio Grande river; is that correct?

15 A. Yes.

16 Q. And did you later see the -- the one site at
17 which Texas placed the buoys in the Rio Grande river?

18 A. Yes.

19 Q. And it -- was that site about two miles
20 downstream from the Camino Real International Bridge in
21 Eagle Pass?

22 A. Yes.

23 Q. And as far as you know, Texas has not placed
24 buoys in any other location in the entire 1,200-plus
25 miles of the Rio Grande river, at least so far?

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23

1 A. No. I cannot say.

2 Q. Okay. You're not aware of the placing buoys at
3 any of the other potential test sites that they
4 discussed with you on June 12th, 2023?

5 A. No.

6 Q. Okay. The site where the buoys were actually
7 placed, is that site that is two miles downstream from
8 the international bridge outside the actual city limits
9 of Eagle Pass?

10 A. I don't know where the city limits rest.

11 Q. Okay. Now, in the meeting on June 12th, 2023,
12 do you recall -- and I'm looking at bullet point four --
13 were you told that, quote, The buoys system will be
14 installed at three strategic locations to prevent
15 drownings, unquote?

16 A. Yes.

17 Q. So, did you you said that one of the purposes
18 of Texas in placing the buoys in the Rio Grande was to
19 prevent drownings?

20 A. That's what we were informed of. Yes.

21 Q. Okay. Do you have any reason to doubt that?

22 A. No.

23 Q. And do you happen to know whether or not there
24 had previously been drownings of people crossing the
25 river in the Eagle Pass area?

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24

1 A. I'm not aware of.

2 Q. Okay. Do you know if there have been any

3 drownings at the site of -- site the buoys were placed
4 in the Rio Grande river at any time in the year or so
5 that they have been in the river?

6 A. I'm not aware of that.

7 Q. Okay. Do you know whether there have been
8 drownings in the Rio Grande river upstream and/or
9 downstream from the buoys during the year that the buoys
10 have been in the river?

11 A. I do not know that information.

12 Q. Now, in the notes that are attached to your
13 declaration that's Exhibit 1 to your deposition, at the
14 bottom of that page it states, quote, Project plans were
15 not shared at this meeting. Local operation has been
16 instructed to point IBWC to the State of Texas land
17 office for further project details and further
18 communication in the future.

19 Was that something that DPS told your group
20 at the June 12th, 2023, meeting?

21 A. If I recall, yes.

22 Q. Okay. And do you know if anyone on behalf of
23 the US IBWC, in fact, did contact the State of Texas
24 general land office to get more project details
25 regarding the floating buoy barrier?

1 A. I'm not aware of that.

2 Q. Do you know of anyone at US IBWC who ever
3 communicated or attempted to communicate with the Texas
4 general land office after June 12th, 2023, regarding the
5 floating buoy barrier or that project?

6 A. No. I do not know if anybody contacted.

7 Q. Do you know of anybody with the U.S. Army Core
8 of Engineers who ever contacted or attempted to contact
9 the Texas general land office to get the details
10 regarding Texas' plans to place buoys in the Rio Grande
11 river?

12 A. I do not know if they did.

13 Q. Okay. And is that the same answer with respect
14 to anybody and all the other parts of the United States
15 Government?

16 Do you have any knowledge that anybody in
17 the United States Government ever followed up and
18 contacted the Texas general land office for details
19 regarding the -- the plans to place the floating buoy
20 barrier in the Rio Grande river?

21 A. No. I do not know if anybody contacted the --

22 Q. Okay.

23 A. -- land office.

24 Q. Do you recall what the date was when you first
25 saw the floating buoy barrier actually in the Rio Grande

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26

1 river?

2 And feel free to refer to Exhibit 1 if it
3 will help jog your memory.

4 A. That's what I'm going -- I have here, date of
5 the picture 07 --

6 MS. KRUGER: If you don't mind, this is
7 the -- what was filed with the court. So that's just
8 the referencing the exhibit. But you can flip back to
9 your affidavit if you want.

10 THE WITNESS: July 13th.

11 Q. (BY MR. BRYANT) Okay. July 13th, 2023?

12 A. Was when I -- yes, I took the core of engineer
13 for the Mexican section down to...

14 Q. Okay. And I do see that there was a reference
15 to some photos -- in paragraph 10 of your declaration
16 there's a reference to some photos that you took on
17 July 10th, 2023. But it sounds like it was of equipment
18 out on the shore, and not of the buoys in the water; is
19 that right?

20 A. Yes.

21 Q. Okay. So the first time you actually saw the
22 buoys in the water was July 13th?

23 A. Could be. Could be July 13th or July 12th, but

24 it was...

25 Q. Okay. And you drove -- it says in paragraph 11

27

1 of your declaration that you drove personnel from the
2 Mexican section of the commission to the location where
3 the -- the floating buoy barrier had been placed in the
4 river; is that correct?

5 A. Yes.

6 Q. What -- what personnel do you recall driving to
7 the site of the floating buoy barrier on July 13th,
8 2023?

9 A. Personnel from the Mexican section?

10 Q. Yes. That's what I'm asking about right now.

11 A. It was one staff engineer, Enriquez.

12 Q. Anybody else?

13 A. No.

14 Q. And who else did you drive to the site of the
15 floating buoy barrier on July 13, 2023?

16 A. It was two, if I remember, from the U.S. Army
17 Core of Engineer.

18 Q. What are their names, to the extent you recall?

19 A. I cannot recall the names.

20 Q. Can't recall either one of their names?

21 A. No.

22 Q. Did you have difficulty in getting to the site
23 of the floating buoy barriers, was there any kind of
24 security problem that you had to overcome in order to
25 get to that site on July 13th, 2023?

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1 A. No.

2 Q. And what was your purpose in going to the site
3 of the floating buoy barrier on July 13, 2023, with the
4 other people who you have -- who you took there then?

5 A. The core of engineers staff, personnel, had
6 not -- and were not familiar with, I guess, the area or
7 the buoy site. And our Mexican section, they hadn't
8 seen the buoys from the Mexican side.

9 And so I -- we -- I took them, at the Core,
10 towards the -- coordinated, and we said if I could take
11 them out, so I took them out. And same with Mexico.

12 Q. And did they tell you in the course of that
13 process that they were not familiar with the -- with the
14 Eagle Pass area?

15 A. The Core? Yes.

16 Q. Did they indicate that this -- this trip would
17 be the first time that they had -- had been to the Eagle
18 Pass area?

19 A. I don't recall them saying that it was their

20 first trip.

21 Q. Okay. And what conversation, if any, do you
22 recall there being within your group once you arrived at
23 the site of the floating buoy barrier on July 13th,
24 2023?

25 A. I can't recall right now. It was -- it's been

29

1 a while, right? Just that we finally located them,
2 because we had not seen them in the water. So, that's
3 the best I can recall.

4 Q. Okay. Do you recall having any conversation
5 with the U.S. Army Core of Engineer's representatives,
6 or even witnessing maybe conversation they had among
7 themselves, regarding the navigability of the Rio Grande
8 river at that point?

9 A. No.

10 Q. Do you recall them discussing at all whether or
11 not they were there to enforce some federal law or laws?

12 A. No.

13 Q. Do you recall them discussing, in any way, any
14 permits that might or might not be required for the
15 floating buoy barriers on that trip?

16 A. No. I cannot recall.

17 Q. Have you ever had any further contact with

18 any -- or employees of the U.S. Army Core of Engineers
19 pertaining, in any way, to the floating buoy barriers
20 after July 13th, 2023?

21 A. No.

22 Q. What conversation, if any, do you recall either
23 having or witnessing during that site visit on
24 July 13th, 2023, with the gentlemen from the Mexican
25 section of the IBWC?

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1 A. Just that he had seen them from the Mexican
2 side -- of his side of the river. And I told him I
3 can't see them on the U.S. side. And then he finally
4 gave me, like, a coordinate system. And that's how we
5 got there, more or less.

6 Q. Okay. Once you got to the location of the
7 floating buoy barriers, or on the way to or from that
8 location, do you recall any conversation with the
9 Mexican representative of the IBWC?

10 A. No.

11 Q. Okay. Did the Mexican representative of the
12 IBWC, in your presence, make any complaints about the
13 placement of the floating buoy barriers in the Rio
14 Grande?

15 A. No. Not that I recall.

16 Q. Did that gentleman give you any indication as
17 to any actions that he planned to take as a result of
18 the visit to the location of the floating buoy barriers
19 on July 13th, 2023?

20 A. No.

21 Q. Now, in your declaration, that is Exhibit 1 to
22 your deposition, there is reference to an event on
23 July 20th, 2023. That's in paragraph 17 of your
24 declaration.

25 A. Okay.

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1 Q. Were you present at the site of the floating
2 buoy barriers on that date?

3 A. Yes.

4 Q. And why were you there?

5 A. I was there because we did not have a U.S.
6 survey team at that -- that the accompany them. So it
7 would have to be me.

8 Q. Okay. And were you requested by the Mexican
9 section of IBWC to be present near the site of the
10 floating buoy barriers on that occasion?

11 A. I don't know if they requested. I know we
12 usually -- when there's work -- when either section's
13 going to carry work in the river, and if we were to, you

14 know, approach -- like, the U.S. was to approach the
15 Mexican riverbank, I would coordinate with our Mexican
16 section and let them -- inform them and let them know I
17 will be in the area, I would like to carry this work
18 out.

19 So that was pretty much my role there, was
20 to -- our Mexican section had said if want to do this
21 survey in this area. So I was there just to let -- make
22 sure our -- our guard people, our National Guard people
23 would know that the Mexican section will be in the river
24 and they will be approaching the U.S. side of the river
25 embankment. Just to let them know that they do not

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1 intend to cross. And that they just intend to take some
2 survey and then go back into the Mexico.

3 Q. Okay. And did you notify the Texas National
4 Guard troops of that fact on July 20th?

5 A. Yes.

6 Q. Okay. Do you recall the individual or
7 individuals who you notified at Texas National Guard on
8 that occasion?

9 A. No. But I know I had to because I had to go
10 through Shelby Park. And I had to check in with DPS and
11 let them know that I need to access that area. So --

12 Q. Okay. Did you --

13 A. -- but I don't --

14 Q. I'm sorry, didn't mean to cut you off --

15 A. I don't remember the individual.

16 Q. Okay. Did you know any of the Texas National
17 Guard personnel in Shelby Park at that time?

18 A. No. I did not. No.

19 Q. Did you attempt to get in touch with somebody
20 who was in a -- a officer or somehow in charge of the
21 Texas National Guard troops at Shelby Park to provide
22 that information on July 20th?

23 A. It -- I think I might have deferred to our --
24 our security side, our offi- -- security side working,
25 Mr. Steban Martinez. I think he may have been the one

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1 that facilitated, coordinated, so I could access this
2 area and further our Mexican section to the --

3 Q. Okay. In paragraph 17, it says that, "On
4 July 20th, the Mexican section of the commission planned
5 to survey the riverbed just upstream of the buoy
6 system."

7 And how far upstream did they plan to
8 survey the river?

9 A. I would say right at the buoy site, at the edge

10 of the buoy system.

11 Q. Just at the upstream edge of the buoy system?

12 A. Yes.

13 Q. Do you have any understanding as to whether
14 that survey work had been planned for a significant
15 period of time? Or whether it was scheduled in response
16 to the floating buoy barrier being placed in the Rio
17 Grande river?

18 A. I cannot say. I cannot. No.

19 Q. Do you have any understanding as to how often
20 the Mexican section of the -- of the IBWC surveys the
21 Rio Grande river in the Eagle Pass area?

22 A. No. I'm not sure of that.

23 Q. Okay. It says that, "A survey requires the
24 Mexican section personnel place a piece of equipment
25 near the Mexican riverbank. And then cross the river

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1 and place another piece of equipment on or near the U.S.
2 riverbank."

3 Was that, in fact, done on July 20th, 2023?

4 A. Yes.

5 Q. And was that survey completed?

6 A. I believe so.

7 Q. And what -- could you describe the equipment

8 that was used on that occasion and placed on or near the
9 U.S. riverbank?

10 A. Well, the equipment should be, like, a pole.
11 And on top, it should have, like, a satellite link. And
12 it just gives out a GPS coordinate elevation. That
13 should be the type of equipment that --

14 Q. Okay. And about how tall is that pole?

15 A. 6 feet, 7 feet.

16 Q. Okay. And about how heavy is that equipment --

17 A. I --

18 Q. -- roughly?

19 A. -- could not say.

20 Q. Did you actually -- have you actually handled
21 that equipment?

22 A. No.

23 Q. Did you do anything physically that day to help
24 or participate in the survey? Or did you just
25 facilitate it as you've described it?

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1 A. I facilitated and observed.

2 Q. Okay. And can you tell me anything else that
3 you observed at the -- at or near the site of the
4 floating buoy barrier on July 20th, 2023?

5 A. No. I cannot.

6 Q. Okay. Did you have any -- any conversation or
7 communication with any Texas personnel at or near the
8 floating buoy barrier on July 20th, 2023?

9 A. With DPS personnel?

10 Q. Could be DPS, could be Texas National Guard.
11 But really any Texas personnel.

12 A. Just at the Shelby Park, on my check-in. And
13 then while I was there, while the survey was being
14 carried out, maybe I did have one interaction just --
15 let them -- maybe National Guard, just let them know
16 that that person in the water was, you know, he was
17 working for us and he was just carrying out a -- a
18 survey.

19 Q. Okay. Were there any kind of problems or
20 difficulties that you or the Mexican section personnel
21 had with any Texas personnel on July 20th, 2023?

22 A. No.

23 Q. Were the Texas personnel generally cooperative
24 with the effort that was being made by you and the
25 Mexican section of the IBWC on that occasion?

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1 A. Yes.

2 Q. Did the presence in the floating buoy barrier
3 in the Rio Grande on that occasion prevent or impede the

4 Mexican section of IBWC from accomplishing what they
5 wanted to accomplish?

6 A. I mean, they accomplished it. So, I cannot say
7 how big, you know, what the impediment was, but they did
8 manage to accomplish it.

9 Q. Okay. Did they express to you that they had
10 been impeded or blocked or otherwise interfered with in
11 the work they were trying to accomplish on July 20th,
12 2023?

13 A. No.

14 Q. Have you seen the floating buoy barriers in the
15 Rio Grande river at any time since July 2023?

16 A. My -- my -- what do you call it? My work at
17 Amistad field office ended about the end of August, part
18 of September. And -- so I might have seen it sometime
19 in August, or not. But that was -- I know I have not
20 seen it since I left Amistad.

21 Q. Okay. So you could say with -- with certainty
22 that you have not seen the floating buoy barrier since
23 the end of August 2023?

24 A. Yes.

25 Q. Okay. Do you recall any point in time in

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1 August 2023, when the floating buoy barrier was moved?

2 A. Do I remember?

3 Q. Do you recall that that occurred?

4 A. Yes.

5 Q. Okay. What do you recall about how it came
6 about that the floating buoy barrier was moved in
7 August 2023?

8 A. Actually, I mean, I did not see it move. But I
9 think that is a time that I did see that the -- the news
10 coming out from our govern, Greg Abbott, saying that
11 they had been moved. So --

12 MR. BRYANT: Okay. Mr. Gomez, we've been
13 going about an hour. Why don't we give about a
14 ten-minute break to give everybody a break to stretch
15 their legs, or whatever they want to do?

16 THE WITNESS: Okay.

17 THE VIDEOGRAPHER: We are going off record.
18 The time is 2 o'clock p.m.

19 (Short recess.)

20 THE VIDEOGRAPHER: We are going back on the
21 record. The time is 2:11 p.m.

22 Q. (BY MR. BRYANT) Mr. Gomez, I'm going to ask
23 you a few more questions about your declaration that
24 was -- that is Exhibit 1 to your deposition.

25 In paragraph 16 of the declaration it

1 states, quote, floating barriers are an impediment to
2 the sections crossing independently in this part of the
3 river, unquote.

4 What -- were the floating barriers an
5 impediment to the Mexican section of the IBWC crossing
6 the river to do its survey on July 20th, 2023?

7 A. Well, I guess because given their -- their net,
8 they could cross onto the U.S., as long as -- you know,
9 they go -- the edge of the upstream or the downside,
10 they can cross over the river. So --

11 Q. And they were able to cross upstream and do
12 their survey on July 20th, 2023?

13 A. Yes.

14 Q. And so the -- the floating buoy barriers were
15 not an impediment to doing their -- getting their work
16 done that day?

17 A. Correct.

18 Q. Have you ever been present at any occasion
19 where the floating buoy barriers were an impediment to
20 any actions of either the Mexican or U.S. sections of
21 the IBWC?

22 A. No.

23 Q. Have you ever been told that the floating buoy
24 barriers actually were an impediment to the Mexican or

25 U.S. sections of the IBWC doing any work that it needed

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1 to do in the Rio Grande river?

2 A. No.

3 Q. Have you ever heard that the floating buoy
4 barriers were an impediment or an obstruction to any
5 kind of activity that the Mexican or American -- or U.S.
6 sections of the IBWC wanted to accomplish in the Rio
7 Grande river?

8 MS. KRUGER: Objection; form.

9 Go ahead.

10 THE WITNESS: No.

11 Q. (BY MR. BRYANT) Have you ever seen any vessel
12 obstructed in its use of the Rio Grande river by the
13 floating buoy barriers?

14 A. No.

15 Q. Have you ever been told of the floating buoy
16 barriers operating as an obstruction to any navigation
17 of the Rio Grande river?

18 A. No.

19 Q. When you viewed the floating buoy barriers in
20 July 2023, was it apparent to you that vessels could
21 easily go around them, if they wanted to go around them?

22 A. I saw vessels go around them.

23 Q. Okay. Now, we were talking a little bit about
24 the buoys, floating buoy barriers, being moved in
25 August 2023.

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1 What, if any, information do you have about
2 why that occurred?

3 A. I don't have it.

4 Q. Do you know anything about the -- where the
5 floating buoy barriers were located after they were
6 moved in August 2023?

7 A. No.

8 Q. Have you -- strike that.

9 Do you have any reason to believe that the
10 floating buoy barriers have been located outside U.S. or
11 Texas territory at any time since August 2023?

12 A. No.

13 Q. Did you either hear about or read about any
14 controversy regarding whether the floating buoy barriers
15 were partly in Mexican territory, on the Mexican side of
16 the international boundary?

17 A. No.

18 Q. Have you ever had any communications with
19 either the Mexican section of IBWC or any other
20 representative of the Mexican government complaining

21 about the floating buoy barriers?

22 A. No. Not -- not that I recall.

23 Q. On July 20th, 2023, when you were at the site
24 of the floating buoy barriers, did anybody make any
25 request to Texas personnel present at that time to do

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1 anything to facilitate the survey work that the Mexican
2 section of the IBWC wanted to do?

3 A. Again -- can you ask that question again?

4 Q. Sure. On July 20th, 2023, did either you or
5 anybody with the Mexican section of IBWC request that
6 anybody connected with the Texas government do anything
7 to help facilitate the survey work that the Mexican
8 section wanted to do on that occasion?

9 A. No. No. Not that I recall. Just DPS was
10 going to be on-site for access.

11 Q. Is it fair to say that the concertina wire
12 didn't obstruct the work that the Mexican section of
13 IBWC wanted to do in the river on July 20th, 2023?

14 A. Yes, you could say.

15 Q. Are you either personally aware or have you
16 heard of any harm of any kind that the floating buoy
17 barrier has done while it's been in the Rio Grande
18 river?

19 A. No.

20 Q. In your declaration, I believe there's a
21 reference to surveys and other engineering work that the
22 Mexican section of the IBWC does from time to time in
23 the Rio Grande river. That's in paragraph 15 of your
24 declaration.

25 Do you see that?

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1 A. Yes.

2 Q. And we've talked a little bit about the
3 surveying work that is done. What other engineering
4 work were you referring to in paragraph 15?

5 A. I was referring to stream measurement, river
6 measurement, stream measurement. So that would entail
7 measuring how much water is in the river at a particular
8 point in time.

9 Q. Okay. And how is that accomplished by either
10 the Mexican or the U.S. sections of IBWC?

11 A. This work is -- it -- it requires the use of
12 equipment, usually it's either, like, a floating --
13 like, a boat, floating boat, that either can be
14 hand-dragged, weighted, or either hydrotech can drag
15 this piece of floating equipment from one side of the
16 riverbank. And if a river is low enough, they can walk

17 all the way to the Mexican side of the riverbank. And
18 they may do that two to three times, get an accurate
19 measurement.

20 So -- and that's if the river is low
21 enough. If it's a little bit higher, they can do -- a
22 robot operate it. And then if it's really high, then
23 they would require an actual boat with an actual
24 motorboat so they can drag this equipment. What this
25 equipment is, it has some sensors underneath it. And it

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1 measures depth, velocity of water. And it helps us --
2 gives us how much water is in the dam.

3 Q. Is that type of work done on a regular basis in
4 the Rio Grande river? Or only on one-off occasions
5 on -- when there's a particular need to do it?

6 A. No. This -- it's water is what we call, water
7 account. It's a different working unit that I get to
8 oversee. But water accounting is important to our
9 mission. Water accounting, it gives -- we have to
10 calculate how much each country is contributing to the
11 river and how much each country is taking out of it.

12 So that's why these measurements are
13 important to know how much water fits inside the river.
14 That's under normal condition. Under flood conditions,

15 then we need to know how much water is -- either -- it's
16 in the river.

17 But we need to know to predict how much
18 water is in the -- how much reservoir is gonna rise, you
19 know, within two or three days. So that's why it's
20 important for us.

21 Q. Okay. And my question is -- is whether it is
22 done on some type of regular scheduled basis in all the
23 parts of the Rio Grande or whether it's more on a as
24 needed basis.

25 A. There is a schedule, but it's not my work unit

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1 that I get to oversee. It will be another work unit.

2 Q. Okay. Do you know whether or not that type of
3 engineering operation has occurred or was needed at the
4 particular site of the floating buoy barriers in the Rio
5 Grande?

6 A. No. I would not know.

7 Q. Was the purpose of the survey work that was
8 done near the site of the floating buoy barriers, a
9 little bit upstream on July 20th, 2023, to measure the
10 width of the Rio Grande river at that point?

11 A. I can't say what the -- really to what, you
12 know, the purpose. But, yeah -- I mean, yes, you're

13 taking a -- like, what do you call it? A -- you're
14 doing survey work, you can get that information with the
15 river width.

16 Q. Okay. So certainly, one of the pieces of
17 information that the Mexican section of IBWC obtained by
18 doing the survey work on July 20th, 2023, was to obtain
19 a determination of the width of the river at that point
20 on that occasion?

21 MS. KRUGER: Objection; form.

22 THE WITNESS: I can't -- can't say.

23 Q. (BY MR. BRYANT) Okay. Now, at any time on or
24 prior to July 2023, did you learn that either the United
25 States or the Core of Engineers or IBWC planned to

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1 legally challenge what Texas had done in placing the
2 floating buoy barriers in the Rio Grande river?

3 A. I cannot say. I cannot recall.

4 Q. Do you recall when you became aware that the
5 the United States Government or any part of it was
6 considering the possibility of legally challenging the
7 placement of the floating buoy barriers in the river?

8 A. No.

9 Q. Okay. This lawsuit was filed on July 24th,
10 2023. Were you involved in any discussions that led up

11 to the filing of this lawsuit?

12 MS. KRUGER: Objection to the extent that
13 it's calling for attorney-client protected.

14 So, you can answer, but, please --

15 Q. (BY MR. BRYANT) Yeah. I'm not asking for you
16 to give me the details of the discussions. I'm just
17 asking whether you were a part of any such discussions.

18 A. I cannot recall.

19 Q. Do you recall having any communications with
20 any attorneys for the IBWC, or any other part of the
21 United States Government, relating in any way to the
22 floating buoy barriers prior to the date the lawsuit was
23 filed, July 20th -- 24th, 2023?

24 A. No. I cannot recall.

25 Q. Did you do anything to assist attorneys for the

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1 United States or the IBWC in July 2023?

2 A. No.

3 Q. Do you recall whether you were part of any
4 deliberations or decisions by the IBWC in July 2023
5 relating in any way to the floating buoy barriers?

6 A. No.

7 Q. Okay. Mr. Gomez, in this lawsuit, the United
8 States was asked to produce some documents. And the

9 United States refused to produce certain documents and
10 said that they were subject to a legal protection or
11 privilege. That's, you know, not an unusual part of
12 litigation.

13 And the United States produced to Texas
14 something called a privilege log, where they list
15 communications that they have decided not to produce
16 to -- to Texas in -- in the lawsuit. And in the
17 privilege log that the United States provided to Texas,
18 one of the things they list is a communication dated
19 July 17th, 2023, at 1218. Says that it is from Mario
20 Gomez to Isela Canava and there was a copy to someone
21 whose last name is Aranda.

22 Do you know anybody within IBWC whose last
23 name is Aranda?

24 A. Yeah.

25 Q. Okay. And I bet you know how to pronounce his

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1 or her first name, but I don't. It's spelled

2 X-O-C-H-I-T-L. Do you know that person?

3 A. Yes.

4 Q. What -- how do you pronounce that full name?

5 A. Xochitl.

6 Q. Okay. And is that a -- is that a male or a

7 female?

8 A. Female.

9 Q. Okay. And what role does Ms. Aranda have
10 within the IBWC?

11 A. She is the chief of O&M division.

12 Q. I'm sorry, the chief of what?

13 A. O&M division.

14 Q. Okay. What is that division?

15 A. That's -- my supervisor.

16 Q. Okay. So at that time, was she your supervisor
17 in July of 2023?

18 A. Yes.

19 Q. Okay. The privilege log that the United States
20 provided to us has a column called "privilege
21 justification." And for that particular July 17th, 2023
22 document, it says, quote, Predecisional US IBWC
23 deliberations regarding draft survey in communication
24 regarding same, attorney-client and attorney work
25 product privilege justification not logged, pursuant to

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1 protective order.

2 So, do you recall that communication at
3 all?

4 A. No.

5 Q. Based on the information I've given you, do you
6 have any reason to believe that that was a communication
7 to or from an attorney?

8 MS. KRUGER: Objection; form.

9 You can answer.

10 THE WITNESS: No.

11 Q. (BY MR. BRYANT) Do you have any reason to
12 believe that any attorney received a copy of that
13 communication that you apparently sent to Ms. Canava?

14 MS. KRUGER: Objection; form.

15 Go ahead.

16 THE WITNESS: No.

17 Q. (BY MR. BRYANT) Now, it is described as a,
18 quote, Predecisional US IBWC deliberations regarding
19 draft survey and communication regarding same.

20 Do you know what draft survey was referred
21 to in your July 17th, 2023 communication to Ms. Canava?

22 A. No.

23 Q. The next document on this privilege log is
24 another communication from you, dated July 17, 2023.
25 This time at 1504. From Mario Gomez to Isela Canava,

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1 with a copy to Ms. Aranda.

2 It's also described as a, quote,

3 Predecisional US IBWC deliberations regarding draft
4 survey and communication regarding same, attorney-client
5 and attorney work product privilege justifications is
6 not logged pursuant to protective order.

7 But I would add that both the previous
8 July 17th communication and this July 17th communication
9 at 1504 state the privilege claimed was attorney-client,
10 attorney work product, deliberative process common
11 interest privilege.

12 Do you have any understanding as to any
13 connection of the communication listed that occurred on
14 July 17th, at 1504, had to any work of any attorneys?

15 MS. KRUGER: Objection; form.

16 You can go ahead and answer.

17 THE WITNESS: No.

18 Q. (BY MR. BRYANT) And do you know of any
19 deliberative process that that communication was a part
20 of?

21 MS. KRUGER: Objection; form.

22 THE WITNESS: No.

23 Q. (BY MR. BRYANT) Again, it refers to a draft
24 survey. Do you recall any draft survey that you were
25 communicating with Ms. Canava about on July 17th, 2023,

1 or thereabouts?

2 A. No.

3 Q. Okay. The next document that is listed in the
4 privilege log provided by the United States of America
5 to Texas describes a communication dated July 24th,
6 2023, at 2100.

7 It is stated that it came from Mario Gomez.
8 And went to Rebecca Rizzuti, Jennifer Pena, John
9 Claudio, Ramon Macias, Ms. Aranda, William Finn, and
10 Jeremy Wall. Those were the addressees.

11 And then the people copied were Frank
12 Fisher, Leslie Grijalva, Sally Spener, Frankie Pinon,
13 Joel Saldivar, Luise Martinez, and Demetrius Gaines.

14 And I know that I'm -- have mispronounced
15 some of those names, I apologize. But do you recognize
16 all those names?

17 A. Yes.

18 Q. Are any of those people outside the U.S.
19 section of the IBWC?

20 A. No. I don't believe so.

21 Q. Okay. And this is described as an
22 attorney-client, attorney work product, deliberative
23 process privilege that is claimed. And the privilege
24 justification is described as "Predecisional US IBWC
25 deliberations in communication regarding Texas' floating

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1 barrier installation and repositioning potential
2 discussions with Texas regarding same attorney-client
3 and attorney work product privilege, justification not
4 logged pursuant to protective order."

5 Do you have any recollection at all of a
6 communication on or about July 24th, 2023, at 2100, on
7 any of those subjects?

8 MS. KRUGER: Objection to form.

9 THE WITNESS: No.

10 Q. (BY MR. BRYANT) Do you recall -- strike that.

11 Are any of the addressees attorneys for
12 IBWC?

13 A. I can't remember the name of the lawyer.

14 Q. Okay. I'll read them again. It's Rebecca
15 Rizzuti, Jennifer Pena --

16 A. She's a lawyer. Both --

17 Q. Okay. Both of --

18 A. -- both of --

19 Q. -- those first two?

20 A. Yes.

21 Q. And do you recall whether or not you were --
22 you sought legal advice from anybody within IBWC on or
23 about July 24th, 2023?

24 MS. KRUGER: Objection; form.

25 THE WITNESS: No.

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1 Q. (BY MR. BRYANT) Do you recall receiving any
2 legal advice from anybody -- from any attorneys inside
3 or outside of US IBWC on or about July 24th, 2023?

4 MS. KRUGER: Objection; form.

5 THE WITNESS: No. I do not recall.

6 Q. (BY MR. BRYANT) Okay. And again, it says that
7 the the reason for the -- the privilege was claimed was,
8 quote, Predecisional US IBWC deliberations and
9 communication regarding Texas' floating barrier
10 installation and repositioning.

11 Do you have any understanding as to what
12 that repositioning refers to?

13 A. No.

14 Q. The justification also states it relates to,
15 quote, Potential discussions with Texas.

16 Do you recall having communications with
17 people within IBWC around July 24th, 2023, regarding
18 potential discussions with Texas?

19 MS. KRUGER: Objection; form.

20 THE WITNESS: No.

21 Q. (BY MR. BRYANT) Okay. What is the role of

22 John Claudio within US IBWC? Or what was that role as
23 of July 2023?

24 A. I believe his title is a chief of realty, the
25 realty office.

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1 Q. Okay. And what was the role of Ramon Macias
2 within US IBWC, as of July 2023?

3 A. I believe that would be principle engineer, or
4 engineering.

5 Q. What was the role of William Finn within US
6 IBWC, as of July 2023?

7 A. I believe it was chief water accounting
8 division.

9 Q. And what was the role of Jeremy Wall within US
10 IBWC, as of July 2023?

11 A. I don't know his title, but he falls under the
12 water accounting division office.

13 Q. Okay. One of the people copied on that
14 July 24th, 2023 communication was Frank Fisher. What
15 was his role within US IBWC, as of July 2023?

16 A. If I recall correctly, he was public affairs.

17 Q. Okay. Another person copied on the
18 communication was Leslie Grijalva. What was his or her
19 role within US IBWC, as of July 2023?

20 A. She's under the public affairs office. I'm not
21 sure her title.

22 Q. Okay. There's a reference to Sally Spener.
23 What was her role within US IBWC, as of July 2023?

24 A. She is our agency's secretary.

25 Q. There's a reference to a Frankie Pinon. What

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1 was his or her role within US IBWC as of July 2023?

2 A. I believe he falls under the realty office
3 also.

4 Q. There's also a reference as a person who was
5 copied on this communication, a person named Joel
6 Saldivar. What was Mr. Saldivar's role within US IBWC,
7 as of July 2023?

8 A. He falls under the realty office.

9 Q. I think you've already identified the other
10 people who were copied on the communication, which is
11 Luise Martinez and Demetrius Gaines.

12 I'm going to ask you about the next and
13 final document that has your name on it, that was
14 claimed as privileged -- on the privilege log that the
15 United States provided to Texas.

16 That is a document dated July 24th, 2023,
17 at 2041. It states that it was from Mario Gomez to

18 Rebecca Rizzuti, Jennifer Pena, Evelio Siller, Isela
19 Canava, John Claudio, Ramon Macias, Ms. Aranda, William
20 Finn, and Jeremy Wall.

21 And people copied were Frank Fisher, Leslie
22 Grijalva, Sally Spener, Frankie Pinon, Joel Saldivar,
23 Luise Martinez, and Demetrius Gaines.

24 It appears to be the same group as on the
25 previous July 24th, 2023, communication that's listed.

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1 And attorney-client, attorney work product, deliberative
2 processes privileges claim. And the privilege
3 justification is described as, quote, Predecisional US
4 IBWC deliberations and communication regarding Texas'
5 floating barrier installation and repositioning.
6 Potential discuss discussions with Texas regarding same,
7 attorney-client and attorney work product privilege,
8 justification not logged pursuant to protective order.

9 Do you have any recollection at all of the
10 communication that is described that you sent on
11 July 24, 2023, at 2041?

12 MS. KRUGER: Objection; form.

13 THE WITNESS: No.

14 Q. (BY MR. BRYANT) Okay. Now, it appears these
15 last two communications were at 8:00 or 9:00 at night.

16 Do you have any information at all as to
17 why you would have been sending communications to
18 attorneys on these subjects at 8:00 or 9:00 at night?

19 A. No.

20 Q. Were these emails?

21 MS. KRUGER: Objection; form.

22 THE WITNESS: I have not seen them.

23 Q. (BY MR. BRYANT) I'm sorry?

24 A. I -- yes, I guess -- I guess, but I have not
25 seen --

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1 Q. Okay. Is it -- is it your practice sometimes
2 to send business related emails from your home in the
3 evening?

4 A. Sometimes, or those carry on.

5 Q. Okay. Now, it appears that these
6 communications were sent on the evening of the day that
7 this lawsuit was filed.

8 Does that at all refresh your recollection
9 as to why you were communicating with these folks within
10 IBWC, apparently, regarding Texas' floating buoy barrier
11 installation and repositioning and potential discussions
12 with Texas regarding same?

13 MS. KRUGER: Objection; form.

14 THE WITNESS: No.

15 Q. (BY MR. BRYANT) Do you recall ever being
16 involved, in July 2023, with any discussions about
17 asking Texas to reposition the floating buoy barrier?

18 MS. KRUGER: Objection; form.

19 THE WITNESS: No.

20 Q. (BY MR. BRYANT) I think I know the answer to
21 this, but I want to ask to be sure. This last
22 communication that was on July 24, 2023, at 2041.

23 Do you have any recollection at all as to
24 that communication? Or why you sent it?

25 MS. KRUGER: Objection; form.

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1 THE WITNESS: No.

2 Q. (BY MR. BRYANT) And you don't recall any legal
3 advice that you were either seeking or receiving at --
4 from IBWC lawyers at that time?

5 MS. KRUGER: Objection; form.

6 THE WITNESS: No.

7 Q. (BY MR. BRYANT) To your knowledge, has there
8 ever been any use of the Rio Grande river to ship goods
9 and trade anywhere up and down the Rio Grande?

10 A. I would not know.

11 Q. So you don't know of any instances in which the

12 Rio Grande has been used to ship goods as part of
13 commerce or trade?

14 A. No. I do not know.

15 Q. And to your knowledge, has the Rio Grande ever
16 been used at a highway of commerce at any point upstream
17 of the current location of the Falcon Dam?

18 A. I would not know.

19 Q. Now, if somebody wanted to ship goods and trade
20 up and down the Rio Grande river today, would Falcon Dam
21 be an obstacle to doing so?

22 MS. KRUGER: Objection; form.

23 THE WITNESS: We -- in the dam?

24 Q. (BY MR. BRYANT) The Falcon Dam. Yes. Would
25 that be an obstacle to somebody who wanted to ship goods

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1 in commerce or trade from any place above Falcon Dam to
2 any place on the Rio Grande below the dam?

3 MS. KRUGER: Objection; form.

4 THE WITNESS: It looks like, yes, the dam
5 would be --

6 Q. (BY MR. BRYANT) Okay. Falcon Dam doesn't have
7 any locks, does it, that can be used to transport a
8 vessel from the Falcon Reservoir direction down to the
9 Rio Grande, below Falcon Dam?

10 A. No.

11 Q. And so anybody who wanted to take a vessel from
12 above Falcon Dam to the Rio Grande, below the Falcon
13 Dam, as things exist now, would have to take that vessel
14 out of the water and go around the dam?

15 A. That would probably be correct.

16 Q. And has there ever been any discussion, to your
17 knowledge, of creating any locks within the Falcon Dam
18 that would allow vessels to travel from Falcon Reservoir
19 to the Rio Grande, below Falcon Dam directly?

20 A. No. I do not know.

21 Q. Do you have any idea how much it might cost to
22 create a lock in Falcon Dam that would allow vessels to
23 transit directly from Falcon Reservoir to the Rio
24 Grande, below Falcon Dam?

25 A. No.

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1 Q. Fair to say it would be an enormous cost?

2 MS. KRUGER: Objection; form.

3 THE WITNESS: I would not know.

4 Q. (BY MR. BRYANT) And is the situation
5 fundamentally the same up in Amistad Dam in that there
6 are no locks?

7 A. Yes.

8 Q. And is it also true that anybody who wanted to
9 ship any cargo or goods from Amistad Reservoir, or any
10 point in the Rio Grande upstream of Amistad Reservoir,
11 to the Rio Grande below Amistad Dam could not do so
12 directly and would have to take the vessel out of the
13 Rio Grande river and travel on land around the dam?

14 MS. KRUGER: Objection; form.

15 THE WITNESS: Yes. I would think so.

16 Q. (BY MR. BRYANT) Okay. And is it -- is it also
17 true that you don't have any idea of the -- of the cost
18 that would be involved in making it possible to allow a
19 vessel to carry trade goods above Amistad Dam, to travel
20 direction to Rio Grande river below Amistad Dam?

21 A. No. I would not know.

22 Q. Okay. Between Amistad Dam and Falcon Dam,
23 on -- what are the largest few cities on the U.S. side?

24 A. I guess Eagle Pass and Laredo Texas.

25 Q. Okay. Would -- would Del Rio also be in that

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1 area between Amistad Dam and Falcon Dam?

2 A. Del Rio would be downstream. No -- yes. Yes.
3 I think Del Rio is below.

4 Q. Okay. So Del Rio is somewhat downstream from
5 Amistad Dam?

6 A. Yes.

7 Q. Okay. And what are the largest cities between
8 Amistad Dam and Falcon Dam on the Mexican side of the
9 Rio Grande?

10 A. Laredo comes to mind, but I don't know what
11 other cities there may be.

12 Q. Piedras Negras?

13 A. Piedras Negras. Okay.

14 Q. Okay. Any others that come to mind?

15 A. No.

16 Q. Are you aware of any shipping of legal goods
17 that has ever occurred between any two cities that you
18 have named as being between Amistad Dam and Falcon Dam?

19 MS. KRUGER: Objection; form.

20 THE WITNESS: No. I would not know.

21 Q. (BY MR. BRYANT) Okay. Now, are you aware of
22 any port facilities that exist anywhere on the Rio
23 Grande above Falcon Dam?

24 A. No. I do not know.

25 Q. Are you aware of any port facilities on the Rio

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1 Grande below Falcon Dam?

2 A. No.

3 Q. Based on your work with US IBWC, I guess for

4 about 20 years, do you believe that it would be feasible
5 to make improvements to the Rio Grande river to make it
6 usable as a highway of commerce any place above Falcon
7 Dam?

8 MS. KRUGER: Objection; form.

9 THE WITNESS: No. I would not know that.

10 Q. (BY MR. BRYANT) Are you aware of any need or
11 demand by anybody to ship goods down the Rio Grande for
12 the purposes of commerce or trade at this time?

13 A. No. I do not know.

14 Q. Now, you know about water releases from Amistad
15 and Falcon Dam to some extent because that's either
16 directly or has -- has been directly and is now
17 indirectly within your area of responsibility, right?

18 A. Yes.

19 Q. Okay. Would it be feasible to release water
20 from Amistad Dam in quantities sufficient to make the
21 Rio Grande capable of carrying cargo ships that would
22 carry goods for purposes of trade down the Rio Grande
23 river?

24 MS. KRUGER: Objection; form.

25 THE WITNESS: I would not know.

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1 Q. (BY MR. BRYANT) I'm sorry?

2 A. No. I would not know.

3 Q. Okay. Do you know that currently there's --
4 that Amistad Reservoir is much lower than its normal
5 elevation of water within the reservoir?

6 A. Amistad is very --

7 Q. Is it close to being --

8 THE REPORTER: I'm sorry -- I'm sorry. Can
9 you repeat your answer?

10 THE WITNESS: Yes. Amistad Reservoir is
11 low.

12 THE REPORTER: Thank you. I'm sorry.

13 Q. (BY MR. BRYANT) Is Amistad Reservoir close to
14 being as low as it has ever been in your career at US
15 IBWC?

16 A. Yeah. I do not know.

17 Q. Okay. Is the current level of Falcon Reservoir
18 also lower than usual?

19 A. It -- Falcon is very low.

20 Q. Okay. At least given the current conditions,
21 would it be feasible to release large amounts of water
22 from Amistad Dam for purposes of enhancing navigation of
23 the river?

24 MS. KRUGER: Objection; form.

25 THE WITNESS: I do not know.

1 Q. (BY MR. BRYANT) Are you saying you do not
2 know, or it would not be?

3 A. I do not know what we would need for cost.

4 MR. BRYANT: Okay. It's been about another
5 hour. Why don't we take another ten-minute break, and
6 then I think we can finish up pretty quickly?

7 MS. KRUGER: Okay. Thanks. We'll go
8 off -- we'll be back at 3:10.

9 THE VIDEOGRAPHER: All right. We are going
10 off record. The time is 3 o'clock p.m.

11 (Short recess.)

12 THE VIDEOGRAPHER: We are back on the
13 record. The time is 3:13 p.m.

14 Q. (BY MR. BRYANT) Mr. Gomez, what did you do to
15 prepare for your deposition today?

16 A. I drove to San Antonio and reviewed my
17 deposition from last time. And that was all.

18 Q. Okay. Did you -- did you have a conversation
19 with your attorneys?

20 A. Yes.

21 Q. About how long did that conversation last?

22 A. I would say -- I mean, we talked for -- I got
23 here -- I got here about 10:30 or 11:00. So, from 11:00
24 to 1:00.

25 Q. In reviewing your deposition, did you note

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1 anything in your deposition that you thought needed to
2 be revised or explained?

3 A. No.

4 Q. Let's talk for a second about your declaration
5 that's Exhibit 1 to your deposition today. Did you
6 personally prepare any or all of that declaration? Or
7 was it prepared by others and then presented to you to
8 be reviewed?

9 A. Yes. I believe that's more along the lines of
10 what --

11 Q. So, it was -- it was presented to you by
12 someone who asked you to review it?

13 A. Yes.

14 Q. And who presented it to you?

15 A. Our legal. Not sure -- one of our legal.

16 Q. Do you recall who it was?

17 A. No. Ms. Rebecca, Rebecca Rizzuti.

18 Q. Okay. Yeah. I think that I -- we -- we
19 mentioned Rebecca Rizzuti and Jennifer Pena. Can you
20 say it was Ms. Rizzuti?

21 A. I -- I would say so. Yes.

22 Q. Okay. And do you recall any revision to the

23 draft that you either wanted to be made, or made
24 yourself?

25 A. Yes. There was revision.

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1 Q. Okay. Were there any revisions in that last
2 part of the declaration pertains to survey and
3 engineering work in the Rio Grande at or near the site
4 of the floating buoy barrier?

5 A. No. I -- I can't recall -- I can't recall the
6 revisions that I did.

7 Q. Okay. Now, in the declaration, we've talked
8 about paragraph 15, 16, and 17. And in paragraph 16, it
9 states, quote, Floating barriers are an impediment to
10 the sections crossing independently in this part of the
11 river.

12 Could you explain what you mean by the word
13 "independently" in that provision -- or in that
14 paragraph?

15 A. Without the assistance of other staff, one
16 single person, I guess that's what I meant.

17 Q. Now, in putting that paragraph number 16 right
18 before paragraph 17, did you intend to suggest or imply
19 that the floating buoy barriers were an impediment to
20 the Mexican section doing its work on July 20th, 2023?

21 A. No.

22 Q. Okay. And I think, if I understand your
23 testimony correctly, the floating buoy barriers were not
24 an impediment to the Mexican section doing its survey
25 work on July 20th, 2023; is that right?

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1 MS. KRUGER: Objection; form.

2 THE WITNESS: Yes.

3 Q. (BY MR. BRYANT) And, in fact, you've never
4 actually seen any instance where the floating buoy
5 barriers were an impediment to either the Mexican or the
6 U.S. sections of IBWC doing any kind of work; is that
7 right?

8 A. Correct.

9 Q. Have you ever seen anybody from the water
10 accounting division of US IBWC do anything in the
11 vicinity of the floating buoy barriers?

12 A. No.

13 Q. Do you have any knowledge as to -- with --
14 regardless of having personally seen it, do you have any
15 knowledge of anybody from the water accounting division
16 of U.S. -- floating buoy barriers?

17 A. No.

18 (Reporter interrupted for clarification.)

19 MR. BRYANT: I will do my best. And
20 Mr. Gomez, if what I now ask you is anything different
21 than you remember the -- the question, please let me
22 know.

23 Q. (BY MR. BRYANT) Have you ever learned, by any
24 means, whether it's your personal observation or through
25 third-party sources of the water accounting division of

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1 US IBWC conducting any activity at or near the site of
2 the floating -- floating buoy barriers in the Rio Grande
3 river?

4 MS. KRUGER: Objection; form.

5 THE WITNESS: No.

6 Q. (BY MR. BRYANT) Okay. Prior to the
7 discussions that you've had with your attorneys in
8 connection with this deposition, have you -- do you
9 recall ever having any attorneys -- discussions with any
10 attorneys that pertained to the floating buoy barriers?

11 A. No.

12 Q. Have you ever had any conversation or
13 communications with anyone at the Army Core of Engineers
14 relating, in any way, to the floating buoy barriers
15 other than the one site visit that you have described
16 that occurred on July 13th, 2023?

17 A. No.

18 Q. Have you ever had any conversations with anyone
19 connected with the Mexican Government regarding the
20 floating buoy barriers, aside from the occasion on
21 July 13, 2023, when a person from the Mexican section of
22 U.S. IBW- -- of IBWC had a site visit at the site of
23 floating buoy barriers in the incident we talked about
24 on July 20th, 2023?

25 A. No.

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1 Q. Prior to the time that you went to work for the
2 US IBWC, what, if any, prior employment did you have
3 that, in any way, prepared you to work for the US IBWC?

4 A. I was fresh out of school. I graduated in '03.

5 Q. Okay. And what school did you graduate from in
6 20 -- '03?

7 A. Yes. Texas A&M University, Kingsville.

8 Q. And what did you get your degree in from Texas
9 A&M Kingsville?

10 A. Master's in electrical engineering.

11 Q. In your 20 or so years working for the US IBWC,
12 could you describe what kinds of boats you have actually
13 seen operating on the Rio Grande river between --
14 anywhere between Amistad Dam and Falcon Dam.

15 A. Boats that I've seen are the kayaks. And DHS,
16 their boats that they operate and patrol the river. And
17 our boats, where we do our stream measurements. And
18 that's all I can say.

19 Q. Okay. Have you seen Border Patrol boats on
20 that river?

21 A. Yes.

22 Q. Okay. And have you seen DPS boats on the
23 river?

24 A. Yes.

25 Q. Okay. And what would you say is the largest

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1 boat that you have ever seen on the stretch of the river
2 between Amistad Dam and Falcon dam?

3 A. Largest boat would be the airboat that --

4 Q. Okay.

5 A. -- DHS had.

6 Q. Okay. And those are boats that typically have
7 no more than two or three people on them?

8 A. I don't know how big they are. They have the
9 big fans, the airboat --

10 Q. Okay.

11 A. -- I don't know how many people it can have.

12 Q. And in the 20 years you've been with US IBWC,

13 have you ever seen boats operating on the Rio Grande
14 river at night or when it's dark?

15 A. No.

16 Q. Is the nature of that stretch of the river such
17 that it would be dangerous to operate that -- operate
18 any kind of boat on the Rio Grande when it's dark?

19 A. I would not know.

20 MR. BRYANT: Okay. I'll pass the witness.

21 MS. KRUGER: Thank you.

22 EXAMINATION

23 BY MS. KRUGER:

24 Q. You were asked what you did to prepare today,
25 and you mentioned reading your deposition. Did you also

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1 read over the declaration.

2 A. Yes, declaration.

3 Q. And went over some of the disclosures the
4 United States sent me?

5 A. Correct.

6 Q. Okay. You were also asked if you had had
7 discussions with any attorney prior to preparing for
8 today.

9 Did you prepare with DOJ attorneys when you
10 were deposed before? Last year.

11 A. Last year, yes.

12 Q. Okay. And you talked with DOJ attorneys around
13 that period of time as well --

14 A. Yes.

15 Q. -- right?

16 A. Yes.

17 Q. Okay. And have you, at various times, talked
18 to agency counsel attorneys about this case?

19 MR. BRYANT: Objection to form.

20 THE WITNESS: Not that I know.

21 Q. (BY MS. KRUGER) Okay. You were also asked
22 about your -- the purposes of crossing the river. And
23 you testified that there was survey work and then also
24 water measurement work.

25 Can you describe what is necessary when you

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1 do the water measurement work?

2 A. Yeah. To take a stream measurement, you need
3 the sensor, a radar, or a sensor. And you need that to
4 sit on top of the water. And you need to drag it.
5 That's the equipment that we're using. That I've seen
6 use. It sits on top of the water, the river water.

7 And you have to drag it from one side of
8 the river side. And you have to drag it all the way to

9 the other side of the embankment of the river. And if
10 it's low enough, you can -- our hydro techs can walk --
11 the water gets a little bit higher, there will be a
12 boat, you know, and -- the bigger the water, or the
13 higher the river, the bigger the boat.

14 Q. Would you need a boat with an engine, then, to
15 pull it?

16 A. Yes.

17 Q. And does it need to go from shore to shore?

18 A. Yes.

19 Q. Okay. And that would be a lateral movement
20 across the river?

21 A. Yes.

22 Q. And when you say "there's an impediment at the
23 buoys," can you go laterally across the river with that
24 equipment in the exact spot where the buoys are located?

25 A. No.

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1 Q. Why not?

2 A. Well, the boat will crash through the buoy.

3 Q. Okay. You could go through do measurement
4 above the buoys or downstream of the buoy; is that --

5 MR. BRYANT: Objection to form; leading.

6 THE WITNESS: You could do it above, just

7 outside the range of the buoys.

8 Q. (BY MS. KRUGER) Let me ask that question a
9 different way. Okay.

10 How could you do it, if you wanted to
11 conduct that same route?

12 A. The only way that this equipment could not
13 leave the water. So we have to drag it from one side to
14 the other side to get the exact measurement.

15 Q. So when you saw the Mexican section on
16 July 20th conduct these -- the survey that was done, was
17 that to get a water measurement, to your knowledge?

18 MR. BRYANT: Objection; leading.

19 THE WITNESS: No.

20 Q. (BY MS. KRUGER) You said in addition to the
21 water flow measurement, that it can also -- the sections
22 you need to cross for a survey; is that correct?

23 A. Yes.

24 MR. BRYANT: Objection; form.

25 Q. (BY MS. KRUGER) Could, in your view, a person

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1 right at the buoys independently conduct a survey across
2 where the buoys are located?

3 A. I don't know. I don't think that --

4 (Reporter interrupted for clarification.)

5 THE WITNESS: I don't believe a single
6 person can do that.

7 Q. (BY MS. KRUGER) Okay. Why not?

8 A. To cross that section, you carry that survey,
9 point survey marker, both, and walk across the river. I
10 believe they do it every 10 feet. So, yes. So -- they
11 would have to go jump under these -- or travel upstream.

12 Q. So does this require a lateral movement across
13 the river?

14 Q. Okay. You -- could you do that above the
15 buoys?

16 A. Yes.

17 Q. On July 20th, you saw the Mexican section
18 conduct a survey above the location of the buoys; is
19 that correct?

20 A. Yes.

21 MR. BRYANT: Objection; form.

22 Q. (BY MS. KRUGER) Did you ever see anybody
23 conduct a lateral movement across the river at the
24 buoys?

25 A. No.

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1 Q. Do you think the buoys are an impediment to
2 crossing at the location they're located?

3 MR. BRYANT: Objection to form.

4 THE WITNESS: Yes.

5 Q. (BY MS. KRUGER) You stated you have no
6 experience with navigation with the -- your work with
7 the IBWC.

8 Have you ever been in these boats that the
9 IBWC has?

10 A. At the reservoir -- Falcon Dam Reservoir, I've
11 been in a boat.

12 Q. And you've observed IBWC use the other boats
13 that you've mentioned in that division?

14 A. Yes. I have seen them.

15 Q. So you were asked about paragraph 16 of your
16 declaration, right? It says, "Floating barriers are an
17 impediment to the sections crossing independently in
18 this part of the river."

19 What do you mean about "this part of the
20 river"?

21 A. There -- at the -- where that buoy -- that area
22 where the buoy's in the river.

23 (Reporter interrupted for clarification.)

24 THE WITNESS: That -- that section of the
25 river, where the buoys are in the middle of the river.

1 MS. KRUGER: No further questions.

2 MR. BRYANT: No further questions.

3 Again, Mr. Gomez, thank you so much for
4 being here and testifying and when you probably -- there
5 are probably days when you would feel better than you
6 feel today. But you -- you seem to be able to smile.
7 And I'm glad that you feel that well and wish you the
8 best. Thank you.

9 MS. KRUGER: He's only smiling because it
10 looks like you are going to let him go home now.

11 THE REPORTER: And Ms. Kruger, if I can
12 just get your order on the record?

13 MS. KRUGER: We'll take -- we don't need
14 the video. We'll take one copy of the transcript.

15 THE REPORTER: Okay. And read and sign?

16 MS. KRUGER: Yes, please.

17 THE REPORTER: Okay. Perfect.

18 THE VIDEOGRAPHER: All right. Are y'all
19 done. All right. We are going off record?

20 We are going off the record. The time --
21 okay. We are going off the record. The time is
22 3:55 p.m., this concludes video.

23 (Proceedings concluded at 3:36 p.m.)

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